

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

LESTER J. SMITH,

Plaintiff,

V.

CARL HUMPHREY, et al.,

Defendants.

CIVIL ACTION NO. 5:12-CV-15 (MTT)

ORDER

Before the Court is the “Plaintiff’s Objection” (Doc. 90) to Magistrate Judge Charles H. Weigle’s Order (Doc. 101) denying the Plaintiff’s Motion for Discovery of Medical Records (Doc. 100). The Court construes the “Plaintiff’s Objection” as a Motion for Reconsideration of the Magistrate Judge’s Order.

Pursuant to Local Rule 7.6, “Motions for Reconsideration *shall not be filed as a matter of routine practice.*” M.D. Ga., L.R. 7.6 (emphasis added). “Reconsideration is appropriate only if the movant demonstrates (1) that there has been an intervening change in the law, (2) that new evidence has been discovered which was not previously available to the parties in the exercise of due diligence, or (3) that the court made a clear error of law.” *Bingham v. Nelson*, 2010 WL 339806, at *1 (M.D. Ga.) (internal quotation marks and citation omitted). “In order to demonstrate clear error, the party moving for reconsideration must do more than simply restate [his] prior arguments, and any arguments which the party inadvertently failed to raise earlier are deemed waived.” *McCoy v. Macon Water Authority*, 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997).

The Plaintiff has not met this burden. He has not alleged an intervening change in the law nor presented new evidence previously unavailable to him, and the Court is not persuaded the Magistrate Judge's ruling was clearly erroneous. As the Court has previously advised the Plaintiff, discovery in this case is stayed pending a ruling on the Defendants' Motion to Dismiss (Doc. 38). Frivolous motions to open discovery during this period will not be tolerated.

Accordingly, the Plaintiff's Motion for Reconsideration is **DENIED**.

SO ORDERED, this 3rd day of January, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT